

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIC ANDREW PEREZ

Plaintiff,

Case No.: 20-cv-9119-MKV

v.

CITIBANK
EQUIFAX
EXPERIAN
SEQUIUM ASSET SOLUTIONS, LLC
TRANSUNION
VERIZON

Defendants.

**DEFENDANT SEQUIUM ASSET SOLUTIONS, LLC'S
ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant Sequium Asset Solutions LLC ("SAS"), by and through its undersigned attorneys, for its Answer to the Complaint of the Plaintiff, herein states, upon information and belief as follows:

JURISDICTION AND VENUE

1. SAS admits that Plaintiff Eric A. Perez ("Plaintiff") brings this action under the Federal Trade Commission Act ("FTC Act"), the Fair Credit Reporting Act ("FCRA"), and the Fair Debt Collection Practices Act ("FDCPA"). SAS lacks knowledge or information sufficient to form a belief about the truth of the remainder Paragraph 1; therefore, it denies the same.

7. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 7; therefore, it denies the same.¹

¹ Plaintiff's Complaint jumps from Paragraph 1 to Paragraph 7. SAS' Answer will correspond to the Complaint for uniformity and clarity to the Court.

PLAINTIFF

8. SAS lacks knowledge or information sufficient to form a belief about the truth of the first sentence of Paragraph 8; therefore, it denies the same.

DEFENDANTS

9. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 9; therefore, it denies the same.

10. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 10; therefore, it denies the same.

11. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 11; therefore, it denies the same.

12. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 12; therefore, it denies the same.

13. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 13; therefore, it denies the same.

14. SAS admits that it is located at the address referenced in Paragraph 14. SAS admits that at times it acts as a “debt collector” as defined by the FDCPA, but lacks knowledge or information sufficient to form a belief about the truth of whether it acted as a “debt collector” as defined by the FDCPA in this matter; therefore, it denies the same. SAS denies that it acted as a furnisher of information as defined by the FCRA in this matter.

15. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 15; therefore, it denies the same.

16. The FDCPA speaks for itself and no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 16.

17. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 17; therefore, it denies the same.

18. The allegations in Paragraph 18 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 18.

19. The allegations in Paragraph 19 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 19.

20. The allegations in Paragraph 20 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 20.

21. The allegations in Paragraph 21 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 21.

COMMERCE

22. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 22 as it refers to other named Defendants. As to itself, SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 22.

COURSE OF CONDUCT

23. SAS admits Paragraph 23.

24. SAS admits Paragraph 24.

25. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 25; therefore, it denies the same.

26. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 26; therefore, it denies the same.

27. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 27; therefore, it denies the same.

28. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 28; therefore, it denies the same.

29. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 29; therefore, it denies the same.

30. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 30; therefore, it denies the same.

31. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 31 as it refers to conduct of other named Defendants. As to itself, SAS denies Paragraph 31.

32. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 32; therefore, it denies the same.

33. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 33; therefore, it denies the same.

34. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 34; therefore, it denies the same.

35. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 35; therefore, it denies the same.

36. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 36; therefore, it denies the same.

37. SAS denies Paragraph 37.

38. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 38; therefore, it denies the same.

THE FAIR CREDIT REPORTING ACT

39. The allegations in Paragraph 39 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 39.

40. The allegations in Paragraph 40 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 40.

VIOLATIONS OF THE FAIR CREDIT REPORTING ACT: COUNT I

41. The allegations in Paragraph 41 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 41.

42. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 42; therefore, it denies the same.

43. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 43; therefore, it denies the same.

44. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 44 as it refers to other named Defendants. As to itself, SAS denies Paragraph 44.

45. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 45 as it refers to other named Defendants. As to itself, SAS denies Paragraph 45.

COUNT II

46. The allegations in Paragraph 46 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 46.

47. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 47 as it refers to other named Defendants. As to itself, SAS denies Paragraph 47 and its subparts.

48. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 48 as it refers to other named Defendants. As to itself, SAS denies Paragraph 48.

COUNT III

49. The allegations in Paragraph 49 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 49.

50. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 50; therefore, it denies the same.

51. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 51 as it refers to other named Defendants. As to itself, SAS denies Paragraph 51. *See* Declaration of Shaun Ertischek attached hereto.

FAIR DEBT COLLECTION PRACTICES ACT

52. The allegations in Paragraph 52 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 52.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT: COUNT IV

53. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 53 and its subparts as it refers to other named Defendants. As to itself, SAS denies Paragraph 53 and its subparts.

54. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 54 as it refers to other named Defendants. As to itself, SAS denies Paragraph 54.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

55. The allegations in Paragraph 55 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 55.

COUNT V

56. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 56 as it refers to other named Defendants. As to itself, SAS denies Paragraph 56.

57. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 57 as it refers to other named Defendants. As to itself, SAS denies Paragraph 57.

58. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 58 as it refers to other named Defendants. As to itself, SAS denies Paragraph 58.

INJUNCTION FOR VIOLATIONS OF THE FTC ACT, FCRA, AND FDCPA

59. The allegations in Paragraph 59 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 59.

EQUITABLE RELIEF FOR VIOLATIONS OF THE FTC ACT, FCRA, AND FDCPA

60. The allegations in Paragraph 60 call for a legal conclusion for which no response

is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 60.

**CIVIL PENALTIES
FOR VIOLATIONS OF THE FCRA**

61. The allegations in Paragraph 61 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 61.

62. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 62; therefore, it denies the same.

63. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 63 as it refers to other named Defendants. As to itself, SAS denies Paragraph 63.

**CIVIL PENALTIES
FOR VIOLATIONS OF THE FCRA**

64. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 64 as it refers to other named Defendants. As to itself, SAS denies Paragraph 64.

65. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 65 as it refers to other named Defendants. As to itself, SAS denies Paragraph 65.

66. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 66; therefore, it denies the same.

CRIMINAL NEGLIGENCE

67. The allegations in Paragraph 67 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 67.

68. The allegations in Paragraph 68 call for a legal conclusion for which no response

is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 68.

69. The allegations in Paragraph 69 call for a legal conclusion for which no response is required. To the extent a response is required, SAS denies each and every allegation in Paragraph 69.

**NEGLIGENCE BY THE FTC TO PLAINTIFF'S NOTIFICATIONS OF IDENTITY
THEFT & ILLEGAL CREDIT SCHEMES**

70. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 70; therefore, it denies the same.

71. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 71; therefore, it denies the same.

72. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 72; therefore, it denies the same.

73. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 73; therefore, it denies the same.

74. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 74; therefore, it denies the same.

75. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 75; therefore, it denies the same.

76. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 76; therefore, it denies the same.

77. The exhibits attached to Plaintiff's Complaint speak for themselves and no responses is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 77.

78. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 78; therefore, it denies the same.

79. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 79; therefore, it denies the same.

80. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 80; therefore, it denies the same.

81. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 81; therefore, it denies the same.

82. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 82; therefore, it denies the same.

83. SAS lacks knowledge or information sufficient to form a belief about the truth of Paragraph 83; therefore, it denies the same.

FIRST AFFIRMATIVE DEFENSES

84. Plaintiff has failed to state a claim against SAS upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

85. Plaintiff lacks Article III standing.

THIRD AFFIRMATIVE DEFENSE

86. Plaintiff's damages, if any, were pre-existing damages not caused by SAS.

FOURTH AFFIRMATIVE DEFENSE

87. Plaintiff proximately caused his own damages, if any.

FIFTH AFFIRMATIVE DEFENSE

88. Plaintiff's damages, if any, are the result of actions of third parties over whom SAS has no control.

SIXTH AFFIRMATIVE DEFENSE

89. Plaintiff has failed to mitigate damages, if any.

SEVENTH AFFIRMATIVE DEFENSE

90. Any violation, if it occurred, was the result of a bona fide error.

DATED: February 5, 2021

LIPPES MATHIAS WEXLER FRIEDMAN LLP

/s/ Brendan H. Little

Brendan H. Little, Esq.

Attorneys for Defendant Sequium Asset Solutions, LLC

50 Fountain Plaza, Suite 1700

Buffalo, NY 14202

P: 716-853-5100

F: 716-853-5199

E: blittle@lippes.com

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021, I electronically filed the foregoing Answer to be served on all counsel of record via the CM/ECF electronic filing system which will automatically send email notification of such filing. In addition, a copy of the foregoing was sent to the following via United States Mail:

Eric Andrew Perez
421 8th Avenue, Unit #93
New York, NY 10116

/s/ Brendan H. Little

Brendan H. Little